

*Application for an Exemption to the Subdivision Regulations*

Date Submitted: \_\_\_\_\_

Name of Subdivision: \_\_\_\_\_

Location: \_\_\_\_\_

Owners: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

For purposes of Part 2 of Article 18 of Chapter 153A of the General Statutes, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions, for the purpose, whether immediate or future, of sale or building development and shall include all divisions of land involving the dedication of a new street or a change in existing street; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by Part 2, Article 18 of Chapter 153A of the General Statutes; provided that the grantor of any land who by deed subdivides the land other than by recorded subdivision plat shall include in the deed a statement as to why the subdivision is exempt from these regulations by reference to one or more of the following sections:

- ☐ (1) The combination or recombination of portions of previously recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision's regulations and the combination or recombination does not change or alter the location of a public or private road as shown on a plat previously recorded in the Montgomery County Register of Deeds;
- ☐ (2) The public acquisition by purchase of strips of land for the widening or opening of streets;
- ☐ (3) The conveyance of a lot or tract for the purpose of dividing lands among the tenants in common, all of whom inherited by intestacy or by will, the land from a common ancestor;
- ☐ (4) The division of land by any method of transfer among members of a linear family, which shall include direct lineal descendants ( children, grandchildren, and great-grandchildren ) and direct lineal ascendants ( father, mother, grandfather, and grandmother ) and brothers, sisters, nieces and nephews;
- ☐ (5) The division of land pursuant to an Order of the General Court of Justice;
- ☐ (6) The division of land for cemetery lots or burial plots;
- ☐ (7) The conveyance of a tract or parcel of land of at least 20,000 square feet exclusive of State right-of-way for a road with at least 100 feet frontage upon a State-maintained road, as well as a driveway permit previously issued by the Department of Transportation along the 100 foot frontage and a means of sewage disposal by a previously issued permit from the Division of Environmental Management of the Montgomery County Health Department;

☐ (8) The division of land into parcels of five (5) acres or more where the grantor records a road right-of-way agreement prior to or simultaneously with the recording of the deed, which said agreement provides for access to the parcel by a right-of-way of at least 45 feet in width and contains an agreement for construction and maintenance of the road;

☐ (9) The division of land into parcels where ten (10) or fewer lots result after the subdivision is completed and each lot in the subdivision is at least one acre in size. The intent of the exempt rural subdivision is to provide for special situations in the rural areas of Montgomery County in accordance with standards and procedures to be set out in Subdivision Ordinance proposed to be adopted pursuant to Part 2 of Article 18 of Chapter 153A of the General Statutes.

\_\_\_\_\_  
Owner / Applicant

\_\_\_\_\_  
date

Exemption approved by Montgomery County Planning Board \_\_\_\_\_  
date

Subdivision is exempt from these regulations by reference to one or more of the above sections \_\_\_\_\_ .  
number

Exemption disapproved \_\_\_\_\_ for the following reasons:  
date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Planning / Zoning Administrator

\*\* If the plat is approved by the Planning Board, the subdivider shall file the approved plat with the Register of Deeds of Montgomery County within thirty (30) days of the approval; otherwise such approval shall be null and void.